

IN THE UNITED STATES ARMY
FIRST JUDICIAL CIRCUIT

UNITED STATES)

v.)

MANNING, Bradley E., PFC)
U.S. Army, (b) (7)(C))
Headquarters and Headquarters Company, U.S.)
Army Garrison, Joint Base Myer-Henderson Hall,)
Fort Myer, VA 22211)

DEFENSE REQUEST FOR
SPECIAL FINDINGS UNDER
ARTICLE 51(d) OF THE
UNIFORM CODE OF MILITARY
JUSTICE AND R.C.M. 918(b)

DATED: 19 July 2013

RELIEF SOUGHT

1. COMES NOW PFC Bradley E. Manning, by counsel, pursuant to applicable case law and Rule for Courts Martial (R.C.M.) 918(b) and Article 51(d) of the Uniform Code of Military Justice (UCMJ), requests this Court to enter special findings for the following specifications: The Specification of Charge I, Specification 1 of Charge II, Specification 4 of Charge II, Specification 6 of Charge II, Specification 8 of Charge II, Specification 11 of Charge II, Specification 12 of Charge II, Specification 16 of Charge II, and Specifications 1-4 of Charge III. The Defense also requests the Court to enter special findings for the following greater offenses: Specification 2 of Charge II, Specification 3 of Charge II, Specification 5 of Charge II, Specification 7 of Charge II, Specification 9 of Charge II, Specification 10 of Charge II, Specification 13 of Charge II, and Specification 15 of Charge II.

STANDARD

2. Pursuant to Article 51(d) of the UCMJ and R.C.M. 918(b), in a trial by a court-martial composed of a military judge alone, the military judge is required to make special findings of fact under request.

ARGUMENT

3. The defense requests that the Court enter special findings for the specifications and charges listed above when it announces its general findings. The Court, as a general rule, should make special findings on all matters upon which members would be instructed. *United States v. Falin*, 43 C.M.R. 702 (A.C.M.R. 1971); *see also United States v. Truss*, 70 M.J. 545 (A.C.C.A. 2011).

“Special findings are to a bench trial as instructions are to a trial before members. Such procedure is designed to preserve for appeal questions of law. *Cesario v.*

United States, 200 F.2d 232, 233 (1st Cir. 1952). It is also the remedy designed to rectify judicial misconceptions regarding: the significance of a particular fact, *Wilson v. United States*, 250 F.2d 312, 325 (9th Cir. 1958); the application of any presumption, *Howard v. United States*, 423 F.2d 1102, 1104 (9th Cir. 1970); or the appropriate legal standard, *United States v. Morris*, 263 F.2d 594 (7th Cir. 1959).”

United States v. Truss, 70 M.J. 545 (A.C.C.A. 2011), quoting *United States v. Falin*, 43 C.M.R. 702 (A.C.M.R. 1971).

4. The Court should follow one of the suggested formats prescribed in Appendix F of the Department of the Army Pamphlet 27-9 to enter its special findings.

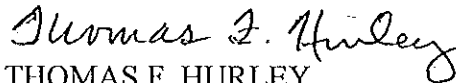
CONCLUSION

5. The Defense requests this Court to enter special findings for each of the specifications and charges as requested above.

Respectfully submitted,



DAVID EDWARD COOMBS
Civilian Defense Counsel



THOMAS F. HURLEY
MAJ, JA
Defense Counsel



JOSHUA J. TOOMAN
CPT, JA
Defense Counsel